REMARKS

This Preliminary Amendment is filed contemporaneously with the present application and is referred to in the corresponding inventor's oath/declaration. Thus, no new matter is presented herewith. Each amendment is supported in the application as can be found in the specification, drawings, and claims originally filed. After entry of the foregoing amendments, claims 1-23 (3 independent claims; 23 total claims) are pending in the present application.

As a preliminary matter Patent No. 6,554,370 issued April 29, 2003 to Fowlkes has recently come to Applicants' attention. As noted in Applicants' specification, the Fowlkes patent is directed toward a wheel spinner assembly independently rotatable relative to a corresponding vehicle wheel. The Fowlkes patent generally discloses a system for enhancing the aesthetic appeal of an automobile wheel wherein a wheel spinner assembly rotates at a different speed relative to the wheel. Particularly, the Fowlkes patent discloses a wheel spinner assembly mountable onto a corresponding wheel or vehicle. As shown in Figure 3, the assembly 10 includes a wheel mount 14, which is directly affixed to a vehicle wheel (not shown), using a plurality of bolts positioned through bolt passageway 16. A spinner mount 18 is fixedly connected to wheel mount 18, configured to receive a corresponding nut 22 and washer 24.

The Fowlkes spinner assembly 10 includes a ball bearing assembly 28 having a plurality of balls 32 confined between outer and inner rings 34 and 36 respectively. A bearing collar 37 may be provided to give radial support to the inner ring bearing assembly. The spinner mount 18 further includes a section 26 configured to receive a

bearing or bushing assembly 28 that permits independent rotation between the spinner mount and the spinner 30 including radially extending spokes 38, thereby allowing the spinner 30 and spokes 38 to rotate at a different speed relative to the wheel speed.

The spinner assembly described in Fowlkes is designed to be directly affixed to a respective wheel of a vehicle by suitable fastening means, such as a plurality of bolts extending through a plurality of corresponding bolt passageways 16 in wheel mount 14. The spinner mount 18, which is affixed through the center of wheel mount 14, is designed to hold and/or support the spinner 30 in free rotation relative to the wheel 12. Thus the spinner mount 18 extends at least partially through the center of spinner assembly 10. Consequently, the Fowlkes invention is not suitable for use on vehicles on which the wheels include a central axle shaft or hub traversing there through, for attachment to a vehicle frame at opposing ends of the axle.

Particularly, conventional bicycles and motorcycles include, for example, typically include an axle shaft, which extends through the center of the wheel face for attachment to a front or rear fork of the vehicle frame. These vehicles typically include a front wheel, which is used for steering the vehicle and rear wheel for providing the vehicle with forward motion. Typically, steering handles or handlebars are interconnected to the front wheel, and more particularly, to the front wheel axle shaft, via a front fork including two adjacent parallel tangs or legs which mechanically couples to and extend upward from each side of the wheel axle shaft. The tangs connect at the top of the wheel to a central steering tube attached to the handlebars. The central steering tube is rotatably mounted to the frame of the bicycle in a manner that supports the frame on the

wheel's axle while permitting rotation of the central steering tube and thus allowing the front wheel to turn relative to the frame of the vehicle.

As noted, bicycles and motorcycles also typically include a rear wheel for use in providing the vehicle with a forward motion. The rear wheel is generally affixed to the vehicle frame in between a rear fork in similar manner as is discussed with respect to the vehicle front wheel. That is the rear wheel typically includes an axle shaft traversing therethrough for use in rotatably connecting the rear wheel to vehicle frame. The rear wheel may further include other components attached thereto, such as dust seal or, drive sprockets. The rear wheel, and corresponding components, may be affixed to the vehicle by fastening the rear wheel and the components to a rear fork with the tangs of the rear fork attachable to opposite sides of the rear wheel.

As can be seen, since Fowlkes discloses a system including a spinner mount positioned centrally to the spinner assembly, the spinner mount would necessarily interfere with the axle shaft required for attaching a motorcycle or bicycle wheel to the vehicle frame. In addition, the spinner mount and the spinner assembly of Fowlkes , when taken in combination, or singly, is too bulky around the wheel axis of rotation for use with a motorcycle or bicycle wheel since little room exists for attaching the Fowlkes spinner and/or spinner mount between the wheel and vehicle frame. More particularly, since the Fowlkes spinner mount is central to the wheel, the spinner mount makes it impossible to traverse a shaft through the spinner mount for attachment to the motorcycle or bicycle frame as required by most motorcycle or bicycle wheels. Consequently, the Fowlkes system is unsuitable for use with a motorcycle or bicycle

wheel, or the like, requiring attachment to the frame on both sides of the wheel via a wheel axle shaft. Thus, it is desirable to provide a wheel spinner assembly which compensates for the centrally positioned axle shaft of a vehicle wheel, and which rotates at a different rotational speed than the speed of the corresponding wheel. The desired wheel spinner must be of sufficient size to fit within the relatively narrow space between a motorcycle or bicycle wheel and the vehicle frame. Such an assembly would enhance the aesthetic appeal of the wheel whether or not the wheel is in motion.

Additionally, the construction of the Fowlkes spinner assembly, which, as noted, interferes with the placement of a motorcycle or bicycle wheel axle shaft, is only suitable for use with vehicle wheels with only one face viewable to an outside observer during use. More particularly, vehicle wheels, which may be viewed by an outside observer on either side during use, generally include an axle shaft for attaching the wheel to the vehicle frame on both sides of the wheel. In this way, the rotation of a single wheel is fully observable by an outside observer positioned on either side of the vehicle. Thus, as noted the Fowlkes support frame interferes with the position of the axle shaft. As such the Fowlkes invention is also not suitable for use with a vehicle wheel wherein the rotation of the wheel is fully observable from either side.

That is, the Fowlkes patent is suitable for attachment to vehicle wheels on only "one" side, since Fowlkes is not configured to permit the positioning of an axle shaft therethrough, for attachment to a vehicle. In short, should Fowlkes be attached to a vehicle wheel on both sides, the wheel would not be mountable on a vehicle, since the

Fowlkes spinner mount does not allow space for insertion of the axle shaft used in attaching the wheel to a vehicle frame.

Applicants, on the other hand, claim a spinner assembly, which does not interfere with the placement of the axle shaft. Therefore, Applicants' invention is mountable on either side of a vehicle wheel including an axle shaft traversing therethrough. Applicants' achieve this arrangement by, inter alia, disclosing and claiming an invention which does not include a spinner mount positioned substantially where the axle shaft would be for attachment to a vehicle frame.

It should be noted that the spinner mount of Fowlkes is used to affix the Fowlkes spinner to a vehicle wheel. Applicants achieve this same result through use of the vehicle hub, which may ordinarily exist on a motorcycle or bicycle wheel, or the like. Applicants note that, Fowlkes not disclose Applicants' arrangement, as claimed, for example, in Applicant's independent claim 1. Namely, Fowlkes does not disclose a spinner rotatably mountable to a vehicle wheel in proximity to a wheel face wherein the spinner includes a central bore with at least one of a wheel axle shaft and a wheel hub is insertable during mounting of the wheel. Thus, the Fowlkes patent does not anticipate the Applicants' invention, for example, in accordance with 35 U.S.C. §102.

Further, it would not have been obvious to modify the Fowlkes spinner to include a central bore through which at least one of a wheel axle shaft and wheel hub is insertable. That is, Fowlkes does not, and cannot, include a motivation, or suggestion to modify Fowlkes to reach the Applicants' invention. For example, to modify Fowlkes to include a hub or axle insertable through the Fowlkes spinner would require elimination

of the Fowlkes spinner mount, which would necessarily make the Fowlkes invention inoperable for its intended purpose. Further, Applicants note that omission of an element with retention of the element's function is indicia of unobviousness. See, e.g., MPEP §2144.04.

Thus, Applicants' preliminarily and respectfully assert that the Fowlkes patent does not provide sufficient basis for sustaining a proper section 102 anticipation or 103 obviousness rejection.

Entry of this Amendment is respectfully requested. Should the Examiner wish to discuss any of the above in greater detail or deem that amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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